REMARKS/ARGUMENTS

Claims 1, 5, 8, and 14-19 are pending.

Claims 1, 5, 8, and 14-19 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the recitation "writing a predetermined unique pattern generated by a dedicated pattern generating circuit onto an area on a magnetic disk other than a user data area by the one or more magnetic heads; and compensating the timing to start the data writing onto the user data area by control of a dedicated gap compensating circuit" introduces new matter.

Applicants respectfully submit that the present application complies with the written description requirement. When a description requirement issue arises, "the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed." MPEP § 2163.02 (emphasis added). "The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." *Id.* It has been long held that "*ipsis verbis* disclosure is not necessary to satisfy the written description requirement of section 112. Instead, the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question." *Fujikawa v. Wattanasin*, 39 U.S.P.Q.2d 1895, 1904 (Fed. Cir. 1996) (citation omitted); *In re Alton*, 37 U.S.P.Q.2d 1578, 1584 (Fed. Cir. 1996) ("If a person of ordinary skill in the art would have understood the inventor to have been in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate written description requirement is met.").

Applicants respectfully submit that "writing a predetermined unique pattern generated by a dedicated pattern generating circuit onto an area on a magnetic disk other than a user data area by the one or more magnetic heads; and compensating the timing to start the data writing onto the user data area by control of a dedicated gap compensating circuit" was conveyed to those skilled in the art with reasonable clarity at the time the application was filed.

In paragraph [0042], the "time gap TG due to the head gap distance can be compensated by the gate generating circuit 23 only by keeping in the memory 28 both one formatting information for writing that allows for the time gap TG corresponding to the head gap distance and another formatting information for reading that does not allow for the time gap TG, though this embodiment is characterized in that the dedicated gap compensating circuit 24 is provided" (emphasis added). Paragraph [0047] states (emphasis added): "In the overall pattern shown in FIG. 2, the Preamble area, the Sync area, and the Data area in the typical pattern used for data writing can be considered as the patterns A, B, and C, respectively, the pattern generating circuit 25 may not be provided separately and may be substituted by a typical data pattern generating circuit."

The application presents two cases. In the first case, a typical data pattern generating circuit is used, as described at paragraph [0047]. In the second case, a dedicated data pattern generating circuit 25 (as well as a dedicated gap compensating circuit 24) shown in Fig. 2 is used, as described at paragraphs [0042]. [0043], and [0046].

In the first case, a typical pattern generating circuit is used for generating a typical pattern, namely, the Preamble area, the Sync area, and the Data area in the typical pattern used for data writing as the patterns A, B, and C. See paragraph [0047]. The typical pattern belongs to the User Data Area situated between Servo and Servo.

In the second case, a dedicated pattern generating circuit 25 generates a unique pattern B to be written onto an area (e.g., inside the servo area) on a magnetic disk other than a user data area. A pattern A, which may be the Preamble pattern, is written before the pattern B. A pattern C, which is data different from the unique pattern, is written after the pattern B. See Fig. 2 and paragraph [0046]. A dedicated gap compensating circuit 24 is provided to change the timing based on a time gap that corresponds to the measured head gap distance. See paragraphs [0042]-[0043]. This conveys with reasonable clarity to those skilled in the art that patterns A, B, C are Preamble A, a unique pattern B, and some other data C which is different from the unique pattern B; and that the unique pattern is written onto an area other than the user data area. The area corresponds to the Servo area.

Therefore, the recited dedicated pattern generating circuit 25 for generating a unique pattern B and a different pattern C is contrasted with a typical pattern generating circuit for generating a typical pattern, namely, the Preamble area, the Sync area, and the Data area in the typical pattern used for data writing as the patterns A, B, and C. See paragraph [0047]. The typical pattern belongs to the User Data Area situated between Servo and Servo. In contrast, the dedicated pattern as claimed is written in an area other than the User Data Area; in the specific embodiment shown, the area for writing the dedicated pattern corresponds to the Servo area. This is beneficial for gap measurement which is performed in the same area (e.g., the Servo area in the embodiment shown). In the invention as claimed, the writing of the predetermined unique pattern and the reading of the predetermined unique pattern occur in the same area (e.g., inside the servo area) other than the user data area, where the read/write clock is the same from the inner track to the outer track. Consequently, the Read/Write gap distance can be measured accurately.[1]

The law does not require absolute clarity, but reasonable clarity in conveying to those skilled in the art that, as of the filing date sought, Applicants were in possession of the invention as now claimed. In the present case, reasonable clarity is shown. Accordingly, Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph.

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[1] The claimed invention uses the dedicated gap compensating circuit 24 and the dedicated data pattern generating circuit 25 to generate unique pattern B, which is not a typical one like Data sync written in the User Data Area. Data sync pattern is a unique pattern and essential for the User Data Area. There is no need to generate unique pattern B in the User Data Area for measuring the head gap distance, because there exists the unique pattern Data sync already. Thus, pattern B generated by the data pattern generating circuit 25 is written in an area other than the User Data Area (e.g., Servo area). If pattern B were written in the User Data Area, there would be two kinds of unique pattern, pattern B and Data sync. This would create an inefficient format of the User Data Area.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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